

# International Trade in Plants and Wildlife

*Information for musicians and manufacturers of musical instruments*

People have been using natural materials to make musical instruments for thousands of years. Turtle shell and ivory, desired for their beauty as accent materials, were used for centuries in the manufacture of musical instruments, while fine woods such as Brazilian rosewood, sought for their tonal quality and appearance, have a much shorter history in the musical instrument industry. This very demand has also contributed to the decline of wild populations of these species. Many of the species used in the production of musical instruments are now protected under U.S., foreign, and international law.

This fact sheet provides a general overview of requirements under U.S. conservation laws for importing wildlife and plant parts and products and for travelling internationally with instruments made from protected species, and directs you to other resources for additional information. It also highlights some wildlife and plant species that are either currently or were historically used in the manufacture of instruments and are globally protected or subject to special requirements.

## **The U.S. Endangered Species Act (ESA)**

Recognizing that our rich natural heritage is of “esthetic, ecological, educational, recreational, and scientific value to our Nation and its people,” Congress passed the ESA in 1973. The purpose of the ESA is to protect and recover imperiled species and the ecosystems upon which they depend, and both U.S. native and nonnative species are protected under the ESA. The ESA prohibits the interstate and international trade in listed plants and animals, including their parts and products, except under Federal permit. Such permits generally are issued for conservation and scientific purposes. Pre-ESA items, such as antiques, may be exempt from permit requirements. For additional information, contact the U.S. Fish and Wildlife Service (FWS), Office of Law Enforcement at [rl9le\\_www@fws.gov](mailto:rl9le_www@fws.gov).



*Clementi square piano with ivory keys (1829) © P. G. Champion*

## **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES is an international agreement among governments that aims to ensure that international trade in species of wild animals and plants does not threaten their survival. It entered into force in 1975 and currently provides protection to more than 30,000 species of animals and plants. Species covered under CITES are afforded varying degrees of protection, depending in which of the three Appendices they are listed. Appendix

I includes species threatened with extinction and prohibits commercial trade in these species. Appendix II includes species that, although currently not threatened with extinction, may become so without trade controls. Appendix III includes species for which a range country has requested the cooperation of other CITES Parties in helping to ensure effective control of international trade in that species.

Through a system of permits and certificates, CITES provides a framework for cooperation and collaboration among nations to prevent further decline in wild populations of plants and animals. As a signatory party to CITES, the United States requires that imports, exports, and re-exports of CITES-listed species be accompanied by required permits and certificates. For information on CITES requirements, including documentation needed for pre-Convention specimens (specimens acquired before the CITES listing date of the species) and rules for personal imports when traveling with your instrument, see [www.fws.gov/international/dma\\_dsa/cites/pdf/cpc.pdf](http://www.fws.gov/international/dma_dsa/cites/pdf/cpc.pdf).



*Pernambuco bows © San-Domenico*



### The Lacey Act

This U.S. conservation law, which dates to 1900, originally focused on helping States safeguard game species and keeping harmful exotic wildlife out of this country. The Lacey Act has been amended several times since it was first enacted, including amendments to prohibit interstate or international transport of wildlife taken in violation of State, Federal, tribal, or foreign law and to provide some limited safeguards for certain plant species. In May 2008, the Lacey Act was amended to expand its protection to a broader range of plants and plant products.

With the 2008 amendments, it is now unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant, with some limited exceptions, taken or traded in violation of the laws of the U.S., a State, or an Indian Tribe, or any foreign law that protects plants. Additionally, individuals or businesses importing commercial shipments of plants and plant products covered under the Lacey Act into the U.S. must now file a declaration form upon importation. Additional information on the import requirements and a link to the Plant and Plant Product Declaration Form can be found on the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, website at [www.aphis.usda.gov/plant\\_health/lacey\\_act/index.shtml](http://www.aphis.usda.gov/plant_health/lacey_act/index.shtml).

### Brazilian rosewood

Brazilian rosewood (*Dalbergia nigra*) is a leguminous tree species that is endemic to Brazil. This dark and dense wood is used for flooring, furniture, musical instruments, and other fine wooden articles. Unfortunately, the international demand for Brazilian rosewood, coupled with widespread conversion of the forests where the species occurs, largely for agricultural purposes, led to the species becoming endangered.

Brazilian rosewood has been listed in CITES Appendix I since 1992, and international commercial trade in Brazilian rosewood harvested after that date, and products made from such wood, is prohibited.

### Pernambuco wood

Pernambuco wood (*Caesalpinia echinata*) is also a leguminous tree occurring only along the northeastern coast of Brazil. The dense, red heartwood of the tree produces an economically important dye and was heavily exploited for trade to Europe for centuries, beginning in the 1500s. Pernambuco is also the premier wood for making bows for stringed instruments and has been used for that purpose for over 250 years. Large-scale habitat conversion, as well as significant international demand for the wood, led to the species being included in CITES Appendix II in 2007.



**Guitar with Brazilian rosewood sides and back** © Michael Kasha

The CITES listing of pernambuco covers logs, sawn wood, veneer sheets, and unfinished wood articles used for the fabrication of bows for stringed musical instruments but does not include finished wood articles, such as bows. All shipments of pernambuco logs, sawn wood, veneer sheets, and unfinished wood articles used for making bows, being imported into or re-exported from the United States must be accompanied by CITES documents. At the time of the listing, a number of individuals and businesses in the U.S. possessed previously acquired stockpiles of pernambuco wood. FWS has advised those entities to document their stockpiles with sales receipts, inventory logs, and other appropriate records to show that the wood was acquired before the September 13, 2007, effective date of the listing.

### Honduras and black rosewood

Honduras rosewood (*Dalbergia stevensonii*) and black rosewood (or cocobolo) (*Dalbergia retusa*) are species in the same genus as Brazilian rosewood, and they are used for many of the same purposes. The Guatemalan populations of these two species are listed in CITES Appendix III, and the listings cover logs, sawn wood, and veneer sheets. All other commodities are exempt from these CITES listings.



**Armadillo shaker instrument** © Revolution Central





*Ud inlaid with ivory and mother-of-pearl* © Georges Jansoone

Additionally, because the CITES listings only cover the populations of Guatemala, the only CITES documents required are for wood that originated in that country.

#### **Ivory**

Although the tusks or teeth of a number of species, including warthog (*Phacochoerus aethiopicus*), walrus (*Odobenus rosmarus*), hippopotamus (*Hippopotamus amphibius*), sperm whale (*Physeter macrocephalus*), and killer whale (*Orcinus orca*) produce ivory, the tusks from Asian elephants (*Elephas maximus*) and African elephants (*Loxodonta africana*) are the most desired sources of ivory. One of the most well-known traditional uses of ivory is for covering piano keys. Ivory has also been used in guitars and other stringed instruments, as well as in violin bows.

African elephants are listed as threatened under the ESA, and most populations are listed in CITES Appendix I. The U.S. African Elephant Conservation Act established a moratorium on the import of African elephant ivory in 1989, with the exception of certain sport-hunted trophies. African elephant ivory can be legally owned, or bought and sold, within the United States provided that it meets ESA requirements and State laws. The Asian elephant is listed in CITES Appendix I and as endangered under the ESA. Because of their status under CITES and the ESA, all commercial trade in Asian elephants and their parts and products is prohibited. For more information on U.S. ivory controls, visit [www.fws.gov/international/dic/species/afe/pdf/ivory\\_fact\\_sheet.pdf](http://www.fws.gov/international/dic/species/afe/pdf/ivory_fact_sheet.pdf).

#### **Tortoiseshell**

Tortoiseshell usually refers to material produced from the shell of the hawksbill turtle (*Eretmochelys imbricata*). Tortoiseshell has been highly prized for its beauty and durability, and for many centuries was used to make a wide array of items, including guitar picks, hair accessories, jewelry, and inlay in fine art pieces.

The hawksbill turtle is listed as endangered under the ESA, and all members of the Family Cheloniidae (sea turtles) are included in CITES Appendix I. The hawksbill turtle has been listed in Appendix I since 1975, and as a result, all commercial trade in the species has been prohibited since that date.



*Mandolino Lombardo* © P.H. Ploveme

#### **Mother of pearl**

Mother of pearl, or nacre, is a material produced from the inner shell layer of many mollusks. Mother of pearl is strong and iridescent, and is used in manufacturing a wide range of products, including buttons, jewelry, and decorative accents on musical instruments. Although mother of pearl is a wildlife product, it is not listed under the ESA or CITES, and may be traded internationally without permits. However, like other wildlife shipments, commercial imports of mother of pearl must be declared by the Service and must be imported through specific ports of entry. Visit [www.fws.gov/lawenforcement](http://www.fws.gov/lawenforcement) for more information.

As the information in this fact sheet highlights, there are a variety of laws and regulations that apply to many of the plants and wildlife used to make musical instruments. However, equipped with the necessary information, manufacturers of musical instruments can still create beautiful instruments with natural materials and sell them worldwide. The conservation measures enacted by the U.S. Government and the international community help to ensure that these precious plant and wildlife species will flourish in their native habitats and be around for the enjoyment of generations to come, both in the wild and as beautiful works of human-created art.

For more information visit:

U.S. Fish and Wildlife Service, Office of Law Enforcement, [www.fws.gov/le/impexp/info\\_importers\\_exporters.htm](http://www.fws.gov/le/impexp/info_importers_exporters.htm)

U.S. Department of Agriculture, Animal and Plant Health Inspection (USDA/APHIS) website [http://www.aphis.usda.gov/import\\_export/plants/plant\\_imports/cites\\_endangered\\_plants.shtml](http://www.aphis.usda.gov/import_export/plants/plant_imports/cites_endangered_plants.shtml)

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